

**The Commonwealth of Massachusetts**

---

**JOURNAL OF THE HOUSE.**



**TUESDAY, SEPTEMBER 29, 2009.**

# JOURNAL OF THE HOUSE.

---

Tuesday, September 29, 2009.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, at the beginning of today's informal legislative session, we open our hearts and minds to You, Our Creator. We seek Your guidance in addressing the items on the day's legislative and on our own personal agenda. In working together in a common effort to serve the present and possible future legislative and administrative issues in the Commonwealth, we pray for knowledge in our minds, truth in our consciences and wisdom in our wills. May we try to make decisions which are correct, ethical, just and serve the common good. In this era of worldwide violence against the innocent and the helpless, inspire us to continue our tradition of protecting the human rights of all individuals. As elected representatives of the people, may we face our responsibilities fearlessly and accept our opportunities for serving the people zealously.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House of Representatives and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

## *Resolutions.*

Resolutions (filed with the Clerk by Messrs. Petrolati of Ludlow and Donelan of Orange) congratulating Deputy Commissioner William H. Burke, III on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

William H. Burke,  
III.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

## *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 4264) of Viriato Manuel deMacedo (by vote of the town) relative to the transfer of certain conservation land in the town of Plymouth; and

Plymouth,—  
conservation land.

By Representatives O'Day of West Boylston and Senator Chandler, a joint petition (accompanied by bill, House, No. 4265) of James J. O'Day and Harriette L.

Worcester,—  
replanting trees.

Chandler (with the approval of the mayor and city council) that the city of Worcester be authorized to borrow money for the purpose of re-planting trees.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Rodrigues of Westport and Senator Menard, a joint petition (subject to Joint Rule 12) of Michael J. Rodrigues, Joan M. Menard and David B. Sullivan relative to designating a certain bridge in the city of Fall River as the Louis Phillip Gagne, Jr., bridge.

Fall River,—Gagne  
bridge designation.

By Mr. Rodrigues of Westport, a petition (subject to Joint Rule 12) of Michael J. Rodrigues, Joan M. Menard and Patricia A. Haddad relative to establishing a sick leave bank for Deborah Katarba, an employee of the Trial Court.

Deborah Katarba,—  
sick leave bank.

By Mr. Miceli of Wilmington, a petition (subject to Joint Rule 12) of James R. Miceli and others for legislation to reinstate the death penalty in the Commonwealth.

Death penalty,—  
reinstate.

Severally, under Rule 24, to the committee on Rules.

#### *Papers from the Senate.*

The House Bill establishing a sick leave bank for Deborah Armstrong, an employee of the Trial Court (House, No. 4209) came from the Senate passed to be engrossed, in concurrence, with amendments adding the following sentence: "Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court."; and striking out the emergency preamble and inserting in place thereof the following emergency preamble:

Deborah  
Armstrong,—sick  
leave bank.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Kocot of Northampton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

#### *Reports of Committees.*

By Mr. Kaufman of Lexington, for the committee on Revenue, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2825) of Ronald Mariano relative to joint underwriting associations and the excise imposed on its members, — and recommending that the same be referred to the committee on Financial Services.

Joint  
underwriting.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1747) of Christine E. Canavan, John D. Keenan and others relative to housing discrimination against domestic violence, rape, sexual assault and stalking, — and recommending that the same be referred to the committee on Housing.

Housing  
discrimination.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House,

Campaign financing

No. 4155, reported, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4266). Read; referred under Rule 7A, to the committee on Steering, Policy and Scheduling.

and ethics reform.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Kafka, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

At eighteen minutes before twelve o'clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at seventeen minutes before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mrs. Poirier of North Attleborough, until half past one o'clock; and at twenty minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

The bill then came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment adding the following section:

“SECTION 3. Section 2 shall take effect as of September 28, 2009.”

Under suspension of Rule 35, on motion of Mrs. Poirier of North Attleborough, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Harvard to grant licenses for the sale of wine and malt beverages not to be drunk on the premises (House, No. 1127) be scheduled for consideration of the House.

Harvard,—liquor license.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to kayak safety (House, No. 2281) be scheduled for consideration of the House.

Kayak safety.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, that the Bill to modernize the Board of Registration of Social Workers (House, No. 174) ought to pass with an amendment substituting therefore a Bill with the same title (House, No. 4262). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Social worker,—board.

By Mr. Keenan of Salem, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill to creat the position of poet laureate for the Commonwealth of Massachusetts (House, No. 3146, changed in section 6 by inserting after the word “herein.” The following 2 sentences: “The nominating

Poet laureate.

committee shall submit the list of three nominees to the Governor by February 1st. The Governor shall appoint the Poet Laureate within 30 days after receiving the list of nominees.”). Read; and referred, under Joint Rule 29, to the committee on Rules of the two branches, acting concurrently.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4240).

Montague,— liquor license.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill to designate Polish American congress day (House, No. 3035, changed in section 1, in line 1, by striking out the year “2006” and inserting in place thereof the year “2008”, and, in line 2, by striking out the following “15CCCCC” and inserting in place thereof the following “15LLLLL”).

Polish American day.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Orders of the Day*

The Senate Bill establishing a town manager in the town of Hamilton (Senate, No. 2084), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third reading bill.

The House Bill authorizing the town of Saugus to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 1120), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; was passed to be engrossed. Sent to the Senate for concurrence.

Id.

---

The House Bill establishing a sick leave bank for Jocelyn Burns, an employee of the Trial Court (House, No. 1914) was read a second time.

Jocelyn Burns,— sick leave bank.

Pending the question on ordering the bill to a third reading, it was referred, on motion of Mr. Fennell of Lynn, to the committee on Rules.

### *Recess.*

At five minutes before two o’clock P.M., on motion of Mrs. Poirier of North

Recess.

Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock; and at sixteen minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4266, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Campaign financing  
and ethics reform.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill  
enacted.

*Engrossed Bill.*

The engrossed establishing a town manager in the town of Hamilton (see Senate, No. 2084) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next  
sitting.

---

At five minutes before three o'clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.